

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Basil Krikelis on March 13, 2009.

1. The application has been amended as follows:

Claim 15 is canceled.

In claim 6, on line 2, --the device-- has been inserted before "comprising"

In claim 6, on line 4, "an upper surface and a lower surface" has been deleted and replaced by --an upper surface defining an upper surface area and a lower surface defining a lower surface area--

In claim 6, on line 11, --the entire upper surface area is substantially flat and smooth and adapted to support the user during use, and the area encompassed by the concave region is less than the entire upper surface area-- has been inserted after "insert".

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance:

2. The prior art of record fails to show or teach applicant's claimed exercise apparatus comprising a board and a substantially spherical insert wherein the board includes a substantially flat and smooth upper surface and a concave region on a lower surface for receiving the insert to allow for the board to ride over the insert in the

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concave region. In particular, the board has a central longitudinal axis and a central lateral axis, and the concave region is positioned off center with respect to the lateral axis and centrally position with respect to the longitudinal axis to provide the user with balance and coordination development particular to certain sports such as surfing and snow boarding.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAM NGUYEN whose telephone number is (571)272-4979. The examiner can normally be reached on Monday - Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LoAn Thanh can be reached on 571-272-4966. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

March 13, 2009

/Tam Nguyen/  
Examiner, Art Unit 3764

/LoAn H. Thanh/  
Supervisory Patent Examiner, Art Unit 3764